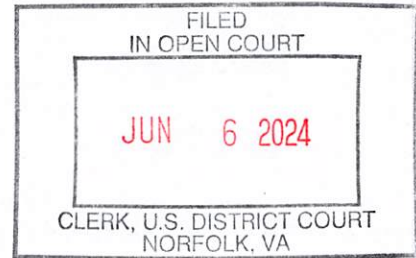


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



UNITED STATES OF AMERICA

v.

Case No. 2:24-cr-16

JOSEPH ALLEN,

Defendant.

STATEMENT OF FACTS

The United States and the defendant, JOSEPH ALLEN (hereinafter, "the defendant"), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. In or around May 2023, within the Eastern District of Virginia and elsewhere, the defendant did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and such visual depiction was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

2. In or around May 2023, in Virginia Beach, Virginia, within the Eastern District of Virginia, and elsewhere, the defendant did knowingly distribute a visual depiction using a means and facility of interstate and foreign commerce and that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, and which contained materials which had been

mailed and so shipped and transported, by any means including by computer, and the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct.

3. In September 2023, Google sent the National Center for Missing and Exploited Children (NCMEC) a CyberTip identifying potential child sexual abuse material (CSAM). Google reported that the user associated with Google account Ccumeus11316@gmail.com, AARON ALLEN—born 1995; telephone numbers, xxx-xxx-9474, xxx-xxx-4206, xxx-xxx-1986, xxx-xxx-2560 and xxx-xxx-2446—uploaded purported 15 files of CSAM.

4. Google provided IP address history for that account, which was attributable to the following locations: Norfolk, Virginia; Newport News, Virginia; and Virginia Beach, Virginia. Virginia Beach, Norfolk and Newport News are within the Eastern District of Virginia. Following an arrest of an individual identified herein as D.B. in Missoula, Montana, that resulted in a custodial interview subsequent to *Miranda* warnings, text messages were recovered from D.B.'s telephone depicting images sent to the arrestee from the defendant, who was utilizing telephone number xxx-xxx-1986 in or around July 2023. D.B. knew the defendant from previously meeting in person and confirmed the images sent throughout the conversation between D.B. and the defendant depicted the defendant. The defendant has a distinctive tattoo on her stomach that is seen in certain of the images.

5. On January 11, 2024, an arrest warrant was issued for the defendant. *See* 2:24-cr-16 (ECF Nos. 3, 4, 5). The defendant was arrested in Virginia Beach, Virginia, on February 1, 2024. Pursuant to a search warrant, the defendant's cellular telephone was imaged and analyzed.

6. A review of the images recovered on the defendant's phone revealed the following CSAM of MINOR VICTIM 1, as sent via Internet messaging on May 17, 2023:

- **Image 1000000112.jpg**, the image depicts a prepubescent female with purple sweat pants pulled down and the defendant, identified by the tattoo on her stomach, is touching the minor victim's exposed butt with her penis.
- **Video: 1_507109055224589005.mp4**, is 10 seconds in length and depicts the same prepubescent female in purple sweat pants from the image referenced above, her purple sweat pants are pulled down, an African American male with long green finger nails is pressing her penis into the minor's butt. The video was modified on 11/09/2023 at 12:06:18 AM UTC, and the file path is indicative of a video sent via telegram messenger.
- **Video: 1_5111603371115021318** is 13 seconds in length, and depicts the same prepubescent female in purple sweat pants from the images referenced above, the minor appears to be standing and lifts her shirt, her purple sweat pants are pulled down and an adult with long green finger nails spreads her vagina exposing it to the camera. The video was modified on 12/25/2023 at 6:27:33 UTC, the file path is indicative of a video sent via telegram messenger.

7. The defendant knowingly sent these and other CSAM images to unknown recipients via Internet messaging over a T-Mobile smartphone, which was manufactured outside of the Commonwealth of Virginia, on May 17, 2023, and other dates.

8. The defendant's phone also revealed communications from 2023 between the defendant and the father of MINOR VICTIM 1, in which they discuss sexually abusing MINOR VICTIM 1, producing videos of the abuse, and steps they took to hide the production.

9. MINOR VICTIM 1 was forensically interviewed on March 21, 2024 and disclosed she recalled her father—with whom the defendant texted—pulling down her pants and spreading her “crack” before taking a picture. MINOR VICTIM 1 is five years old and was four at the time the CSAM images described above were distributed.

10. On March 30, 2024, the mother of MINOR VICTIM 1 was interviewed and identified MINOR VICTIM 1 as depicted in the CSAM describe above.

11. The Internet is an interconnected network of computers with which one communicates when on-line, is a network that crosses state and national borders, and is a facility of interstate and foreign commerce.

12. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

13. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: June 6, 2024

By: _____

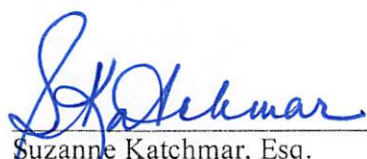

Clayton D. LaForge
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, JOSEPH ALLEN, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



JOSEPH ALLEN

I am Suzanne Katchmar, the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Suzanne Katchmar, Esq.
Attorney for Joseph Allen